



Author Name: Benjamin Mason Meier, JD, LLM

University: Columbia University

Program of Study: Ph.D. (Sociomedical Sciences)

Author Name: Larisa M. Mori

University: University of California, Los Angeles

Program of Study: J.D. and M.P.H.

Abstract Title: The Highest Attainable Standard: Advancing a Collective Human Right to Public Health

Abstract: The purpose of this research is to assess ways in which the human right to health can evolve to meet global threats to public health, examining the effect of globalized disease processes on the development of a collective right to public health. International legal scholars have long recognized the validity and the necessity of a dynamic approach to human rights. Social transformations through globalization engage an evolving framework for health rights, and formal human rights mechanisms must be transformed to reflect these changing needs and emerging threats. This research examines whether modern processes of globalization necessitate a collective right to public health to give meaning to an individual right to health. Rather than focusing the right to health solely on individual medical care, envisioning a public health component within this right would alleviate many of the injurious inequities of globalization and renew focus on our responsibility for assuring social justice. Through formalistic legal analysis, this research finds a collective right to public health that complements, and is subsumed within, the individual human right to health promulgated in article 12 of the International Covenant on Economic, Social, and Cultural Rights. This right is both recognized in jurisprudential discourse surrounding the right to health and justified through globalization as a collective right independent of the right to health. Through this analysis, our results lay out a new framework for the human right to health, one which explicitly acknowledges the public health interventions necessary to fulfill individual health needs.